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appendix VIII, of this chapter, which would reasonably be expected to be in the waste.

(d) If the waste to be burned is one which is described by paragraphs (b)(1)(i), (ii), (iii), or (iv) of this section and contains insignificant concentrations of the hazardous constituents listed in part 261, appendix VIII, of this chapter, then the Regional Administrator may, in establishing permit conditions, exempt the applicant from all requirements of this subpart, except § 264.341 (Waste analysis) and § 264.351 (Closure), after consideration of the waste analysis included with part B of the permit application, unless the Regional Administrator finds that the waste will pose a threat to human health and the environment when burned in an incinerator.

(e) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of § 270.62 of this chapter (Short term and incinerator permits).

[46 FR 7678, Jan. 23, 1981, as amended at 47 FR 27532, June 24, 1982; 48 FR 14295, Apr. 1, 1983; 50 FR 665, Jan. 4, 1985; 50 FR 49203, Nov. 29, 1985; 56 FR 7207, Feb. 21, 1991; 64 FR 53074, Sept. 30, 1999; 66 FR 35106, July 3, 2001; 67 FR 6815, Feb. 13, 2002; 70 FR 59575, Oct. 12, 2005; 73 FR 18983, Apr. 8, 2008]

§ 264.341 Waste analysis.

(a) As a portion of the trial burn plan required by § 270.62 of this chapter, or with part B of the permit application, the owner or operator must have included an analysis of the waste feed sufficient to provide all information required by § 270.62(b) or § 270.19 of this chapter. Owners or operators of new hazardous waste incinerators must provide the information required by § 270.62(c) or § 270.19 of this chapter to the greatest extent possible.

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under § 264.345(b)).

[46 FR 7678, Jan. 23, 1981, as amended at 47 FR 27532, June 24, 1982; 48 FR 14295, Apr. 1, 1983; 48 FR 30115, June 30, 1983; 50 FR 4514, Jan. 31, 1985]

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§ 264.342 Principal organic hazardous constituents (POHCs).

(a) Principal Organic Hazardous Constituents (POHCs) in the waste feed must be treated to the extent required by the performance standard of § 264.343.

(b)(1) One or more POHCs will be specified in the facility's permit, from among those constituents listed in part 261, appendix VIII of this chapter, for each waste feed to be burned. This specification will be based on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses and trial burns or alternative data submitted with part B of the facility's permit application. Organic constituents which represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs. Constituents are more likely to be designated as POHCs if they are present in large quantities or concentrations in the waste.

(2) Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in § 270.62 of this chapter for obtaining trial burn permits.

[46 FR 7678, Jan. 23, 1981, as amended at 48 FR 14295, Apr. 1, 1983]

§ 264.343 Performance standards.

An incinerator burning hazardous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under § 264.345, it will meet the following performance standards:

(a)(1) Except as provided in paragraph (a)(2) of this section, an incinerator burning hazardous waste must achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated (under § 264.342) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = \frac{(W_{in} - W_{out})}{W_{in}} \times 100\%$$

where:

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W_{in} = mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator

and

W_{out} = mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(2) An incinerator burning hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) designated (under § 264.342) in its permit. This performance must be demonstrated on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in § 264.343(a)(1).

(b) An incinerator burning hazardous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or 1% of the HCl in the stack gas prior to entering any pollution control equipment.

(c) An incinerator burning hazardous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = P_m \times \frac{14}{21 - Y}$$

Where P_c is the corrected concentration of particulate matter, P_m is the measured concentration of particulate matter, and Y is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in part 60, appendix A (Method 3), of this chapter. This correction procedure is to be used by all hazardous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the Regional Administrator will select an appropriate correction procedure, to be specified in the facility permit.

(d) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under § 264.345) will be regarded as

compliance with this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of this section may be "information" justifying modification, revocation, or reissuance of a permit under § 270.41 of this chapter.

[46 FR 7678, Jan. 23, 1981, as amended at 47 FR 27532, June 24, 1982; 48 FR 14295, Apr. 1, 1983; 50 FR 2005, Jan. 14, 1985; 71 FR 16906, Apr. 4, 2006]

§ 264.344 Hazardous waste incinerator permits.

(a) The owner or operator of a hazardous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under § 264.345, except:

(1) In approved trial burns under § 270.62 of this chapter; or

(2) Under exemptions created by § 264.340.

(b) Other hazardous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with part B of a permit application under § 270.19 of this chapter.

(c) The permit for a new hazardous waste incinerator must establish appropriate conditions for each of the applicable requirements of this subpart, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of § 264.345, sufficient to comply with the following standards:

(1) For the period beginning with initial introduction of hazardous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in paragraph (c)(2) of this section, not to exceed a duration of 720 hours operating time for treatment of hazardous waste, the operating requirements must be those most likely to ensure compliance with the performance standards of § 264.343, based on the Regional Administrator's engineering judgment. The Regional Administrator may extend the duration of this period once for up